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FM AMEMBASSY NAIROBI
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INFO RUCNIAD/IGAD COLLECTIVE

UNCLAS SECTION 01 OF 02 NAIROBI 000930

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E.O. 12958:N/A
TAGS: [PREL](#) [EFIS](#) [ASEC](#) [UG](#) [KE](#)
SUBJECT: Migingo Island -- The View from Kenya

REF: A) International Boundary Study No. 139, August 27, 1973,
Office of the Geographer, INR

11. Summary: The current dispute over Migingo Island in Lake Victoria sparked in 2006 when Ugandan customs officers began to collect levies from Kenyan fishermen fishing in waters around the disputed island. Despite the competing claims to ownership and the generally inflammatory media hype, the Kenyan and Ugandan governments have both publicly declared that the issue will be resolved peacefully. However, the dispute has elevated the political drama within the GOK, as sections of the Grand Coalition government have used the issue to distract the public from more pressing concerns. The dispute also poses something of a political embarrassment to PM Raila Odinga, highlighting his powerlessness to resolve the issue despite its location in his ethnic Luo community. An expensive and unnecessary GOK survey is not likely to resolve what is ultimately a multi-faceted political dispute. End summary.

Location and Significance

12. The island's significance lies in its proximity to one of Lake Victoria's most fertile fishing areas. It is a rocky island in Lake Victoria located near the confluence of the Ugandan, Kenyan, and Tanzanian borders. Less than two acres in size, the island is covered by small row houses made of rusty corrugated tin that are the home to roughly 500-700 inhabitants at any given time. The population is approximately 70 percent Kenyan, 20 percent Ugandan, and 10 percent Tanzanian, Congolese and Rwandese. In addition to fishing, the inhabitants survive on small trading activities related to foodstuffs, petroleum products, and other basic commodities.

13. The island is 2.5 km due east of the north/south water border dividing Kenya and Uganda and approximately 10km off Kenya's Sori-Bay in Karungu Division, Migori District. The nearest Ugandan land is approximately 180 km away. Kenya's close proximity to the island has long implied ownership. Since 1912 the island has been regarded as Kenyan territory, which was confirmed by the British 1926 demarcation of the Kenya-Uganda border. The 1973 INR Office of the Geographer's International Boundary Study (Ref A) on the Kenya-Uganda Border has been cited in the press to underscore Kenya's claim.

The Current Dispute

14. The current dispute started in 2006 when Ugandan authorities began demanding payment of levies from Kenyan fishermen with the rate for Kenyan fishermen five times that charged to Ugandans. With declining stocks of fish and a depressed industry local inhabitants were already on edge. When Kenyans refused to pay fishing fees of Uganda Shs 50,000 (USD 25) and an annual boat licensing fee of Shs 150,000 (USD 75) the Uganda authorities expelled 400 fishermen from the island. In addition, the Ugandan Fisheries Minister Fred Mukisa ordered the inhabitants of the island to elect local council leaders and a Migingo Beach Management Unit, which many Kenyan inhabitants perceived as acquiescing to Ugandan Sovereignty. Lastly, the

Ugandan authorities began to voice concerns about the loss of revenue due to fish sold to Kenya fish processors.

15. Tensions flared again in February 2009 when the Kenyan Administration Police arrived on the island and replaced the Ugandan flag with a Kenyan flag. Ugandan authorities arrested the Kenyan Police, who were released only after intervention by Kenyan President Kibaki. Kibaki and Ugandan President Museveni have a longstanding and close political relationship, and both governments have said publicly the dispute will be resolved peacefully. However, Kibaki otherwise has not spoken out on the issue. Meanwhile, the issue has gained significant press coverage, often sensationalist, with the media calling for the government to declare the island in their possession and defend it with armed force, if necessary. There is some speculation that Kibaki's silence on the issue is designed to embarrass Prime Minister Odinga, showing him to be powerless to resolve the dispute which negatively affects his ethnic Luo community.

Relations with Uganda

15. The Migingo island dispute has threatened relations between the two traditional trade partners. Anti-Ugandan sentiment has become more widespread in Kenya, especially in the Western districts and in a Luo-dominated Nairobi slum. A section of the Kenya-Uganda railway, one of Uganda's major commercial arteries, was ripped up in Nairobi's Kibera slum by angry Kenyans who were demanding the return of Migingo. Kibera happens to be in the Prime Minister's parliamentary district, and is home to many ethnic Luo from western Kenya. Vehicles in Kenya bound for Uganda have also been held up by

NAIROBI 00000930 002 OF 002

Kenyan civilians in western Kenya. The dispute has provided an outlet for many Luo who believe that Museveni sought to influence the outcome of the 2007 presidential elections in Kenya by sending an early congratulatory message to Kibaki and allegedly dispatching Ugandan soldiers to western Kenya to help put down dissent over the election results.

A New Survey

16. On March 16, the two governments jointly announced a \$1.75 million survey to be completed in two months. Ugandan Internal Affairs Minister Kirunda Kivejinja said, "We're just struggling with old colonial boundaries." The next day, the British High Commission in Kenya offered both sides access to the British government's historical records on border demarcation. Kibaki, during the State Opening of Parliament on April 21, reiterated that "diplomacy will be our first line of response" and he called on Kenyans to be patient.

Comment

17. The dispute has elevated the political drama in the Kenyan government, and brought into focus the long-simmering rivalry between PM Odinga and Ugandan President Museveni. Odinga has called strongly for his government to defend its territory, but the coalition government has been lax to act. Many see this as part of Kibaki's PNU party attempting to make Odinga's ODM party look feeble. Kibaki's refusal to act on Odinga's call to defend the nation is both political and practical: Kibaki sees Museveni as a close ally and he has nothing to gain at this point by forcefully attempting to assert Kenyan sovereignty. We anticipate that at the conclusion of the two-month survey the results will not be mutually agreeable to all parties, and the issue will remain awaiting a political resolution. In the meantime, the dispute has proven to be an excellent distraction as the nation grapples with severe drought and food shortages, high unemployment and inflation, and growing public frustration with the coalition government's inability to improve conditions and its dithering over implementation of

meaningful reforms.

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